

### REMARKS

The Office action of March 20, 2007, has been carefully considered.

Objection has been raised to the drawings based upon reference numeral 12 in Figure 2, and the failure to show reference numeral 18 mentioned on page 6 of the specification. Applicant has submitted a new sheet of drawings herewith in which reference numeral 12 has been replaced by reference numeral 18.

Objection has been raised to the abstract based upon two misspellings. The Examiner is requested to take note of the Preliminary Amendment filed concurrently with this application in which a new abstract was added and the misspellings were corrected.

Objection has been raised to the specification based upon misspellings on pages 3 and 4 and these have now been corrected.

Claims 1 through 7 have been rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Applicant believes that the objection to Claim 1 is essentially an antecedent basis problem, since, while a reference to Claim 1 is made in the specification, the specific language of Claim 1 is not entirely included. In order to correct this problem, the specification has been amended to include the specific language of Claim 1, as well as the specific language of Claims 2 through 7. References to specific claim numbers have been deleted.

Claims 1 through 8 have now been canceled and replaced by a new set of Claims 9 through 17. Claim 9 is directed to a fire blocking device for continuously preventing in a flame impact period the transfer of flames from a flame front through ventilating apertures and passages and similar

IN THE DRAWINGS:

Please replace the sheet of drawings as filed with the Replacement Sheet attached hereto.

LAW OFFICES  
DENNISON, SCHULTZ & MACDONALD  
SUITE 105  
1727 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2700  
703 837-9600

LAW OFFICES  
DENNISON, SCHULTZ & MACDONALD  
SUITE 105  
1727 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2700  
703 837-9600

devices. The fire blocking device comprises at least one permeable flame blocking and heat absorbing and heat accumulating grille body which stops flames during instantaneous and constant flame impact and at least one permeable element incorporating an intumescent material, for permanent fire stopping. This is the structure shown in Figure 1 and described in detail in the specification.

Regarding canceled Claim 3, directed to a cylindrical device, Applicant has added to the application new Claim 11 which recites a grille body rectangular in cross section, as shown in Figure 1.

With regard to canceled Claim 4, Applicant notes that Claim 12 recites the grille body containing metal pipes filled with liquids, minerals or mixtures thereof. While the Office action states that it is not clear how this body is formed, the Office action has nevertheless cited the Anderberg reference for a showing of a fire proof-device containing pipes. Moreover, there is nothing which is remarkable about a heat sink formed from pipes containing a liquid or heat-proof mineral, such a device being easily constructed by one of ordinary skill in the art.

With regard to Claim 5, this claim has been replaced by new Claims 13, 14, and 15. Claim 13 recites a grille body comprising a honeycomb pattern sheet metal, and Applicant sees nothing about this recitation which is beyond the skill of one of ordinary skill in the art. Claim 14 recites that the grille body and permeable element are arranged in a frame, which is shown in Figure 1, and Claim 15 recites that an insulating material is provided between the grille body and the permeable element to serve as a thermal break, as described in the specification at page 3, lines 27-28.

With regard to Claim 7, this claim has been replaced by new Claim 17, reciting that the fire blocking device is in the

form of a fire blanket or curtain as discussed in the specification at page 5, lines 1-13.

Withdrawal of this rejection is requested.

Claims 2 through 6 have been rejected under 35 USC 112, second paragraph, as being indefinite on a number of grounds, and Applicant submits that these cited objections have been obviated by the recitations found in the newly added claims. Withdrawal of this rejection is requested.

Claims 1-3 and 6-7 have been rejected under 35 USC 102(b) as anticipated by Baltazar. The Office action alleges that Baltazar discloses a fire blocking device including at least one permeable flame blocking and heat absorbing and heat accumulating grille body 14 which stops flames during the initial phase of flame impact as disclosed at column 6, lines 20-24 and lines 63-67, and at least one permeable element containing an intumescent material 28 for permanent fire stopping, as shown in Figure 3B and discussed at column 7, lines 5-10.

The disclosure at column 6, lines 20-24 refers to the description of Figure 2 in which cable tray 22 is covered by a heat sink layer 14 surrounded by a heat shield formed by spacer 12 and screen 10. The disclosure at column 7, lines 5-10 relates to Figure 3B and states that incoming heat activates the outer surface of inner layer (14), which activates the outer layer and produces an intumesced cellular insulating char 28 that will fill the gap. Thus, Baltazar clearly discloses an intumescent material, but Applicant submits that it does not disclose the remainder of the claimed invention. It is to be noted initially that the claimed invention is directed to fire blocking for a ventilating aperture or passage; as can be clearly seen throughout the application, the device serves as a vent, and therefore must pass air therethrough. The device comprises two parts, a

grille body which serves as a "heat sink," and a permeable element incorporating an intumescent material. Because this device serves as a vent, both portions of the device must be able to pass air therethrough.

The device shown in Figures 2 and 3 of Baltazar include three layers, a screen layer 10, a spacer 12 and an intumescent material 14. The Office action states that the layer 14 is a "grille body," but Applicant notes that this layer 14 also serves as the intumescent material, in which case Baltazar does not meet the requirements of the claimed invention since there is only a single material serving as both a grille body and an intumescent material.

In fact, while material 14 may be a "heat sink," this layer is actually an insulation material serving as a heat and fire barrier, preventing the temperature of electric cables 20 from rising above a predetermined limit. See column 6, lines 6-9.

While screen 10 and spacer 12 may pass air, the insulating layer 14 does not pass air and is not a permeable element incorporating an intumescent material.

In fact, Baltazar essentially discloses a fire-proof closed container, where fire acts upon the layer 14 to seal the interior of the container against fire. There is no requirement to provide a permeable material for the layer 14, because this device does not serve as a vent.

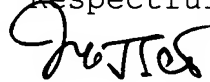
Withdrawal of this rejection is requested.

Claims 4 and 5 have been rejected under 35 USC 103(a) over Baltazar in view of Anderberg. The patent to Baltazar has been discussed in detail above.

Anderberg has been cited to show pipes which are resistant to heat and a honeycombed pattern sheet metal, but does not otherwise cure the defects of the Baltazar reference. Withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks,  
Applicant submits that the present application is now in  
condition for allowance. An early allowance of the  
application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz  
Registration No. 28666